IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

CRP.No. 1111 of 2007()

(AGAINST THE ORDER DATED 26/10/2006 IN E.A.NO.983/2006 IN E.P.134/1999 IN O.S.NO.919/1994 OF THE PRL.SUB COURT, ERNAKULAM)

REVISION PETITIONERS:PETITIONERS/JUDGMENT DEBTORS 1 & 2:

1. **LOTUS CONSTRUCTIONS NO.38, IVTH FLOOR,GCDA COMMERCIAL COMPLEX,MARINE DRIVE, ERNAKULAM - 682 031. NOW AT IST FLOOR,CARMEL CHURCH COMPLEX,BANERJI ROAD,ERNAKULAM,REPRESENTED BY ITS MANAGING PARTNER**

2. **SRI.T.P.MURALEEDHARAN,S/O.LATE M.NARAYANA MENON,NO.31/224-A,'PUSHPANJALI', VYTTILA,COCHIN-19.**

BY ADV. SRI.E.K.NANDAKUMAR
SRI.JAYASHANKAR A.K.
SRI.JOHN MATHAI.K.
SRI.BENNY P.THOMAS
SRI.ANIL D.NAIR

RESPONDENT:

VIJAYA HOME LOANS LTD(FORMERLY FAIR GROWTH LTD),HAVING ITS REGISTERED OFFICE AT G.V.S COMPLEX,2ND FLOOR,329,10TH (A'MAIN 111RD BLOCK)J-NAGAR,BANGALORE-REPRESENTED BY ITS ASSISTANT GENERAL MANAGER,POWER OF ATTORNEY HOLDER.

BY ADV. SRI. S.R. DAYANANDA PRABHU

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.1111 OF 2007

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Dated this the 17th day of December 2007

O R D E R

This revision petition is preferred against the order of the Prl.Sub Court, Ernakulam in E.A.No.983/2006 in E.P.No.134/1999 in O.S.No.919 of 1994. The contention of the revision petitioners is that the execution petition is not maintainable, as the court has no jurisdiction to decree the suit in the light of the provisions of the Cochin Usurious Loan Act. The grievance of the petitioners is that as per the decree 25% interest is granted and it is violative of the provisions of the said Act. It is submitted that the matter has been compromised between the parties and it was on the basis of the compromise, the decree has been passed. Secondly, an earlier attempt has been made to get it by filing C.R.P.No.166 of 2007. It was a revision with a petition to condone the delay. The court refused to entertain the same. But the court also observed that the compromise between the parties by withdrawing the contention is not liable to reviewed. The court has absolute jurisdiction to entertain the case and it has passed a decree. If there is anything wrong in the decree, the appropriate remedy for the party

is to choose the appropriate forum. Here, in this case, at all levels it had been challenged and I am informed that the matter is pending before the Apex Court wherein the Apex Court has not granted any stay. I do not find any merit in the contention that the decree is unexecutable or it is void. Therefore the C.R.P. lacks merit and it is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-